

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WILSON EARL LOVE,
 Plaintiff,

vs.

STATE OF NEVADA,
 Defendant.

Case No. 2:15-cv-00950-JCM-GWF

FINDINGS AND
RECOMMENDATION

On June 22, 2015, Plaintiff filed his Motion for Appointment of Counsel (ECF No. 7) and the Court denied his Motion on June 25, 2015. *See* ECF No. 9. Plaintiff has not filed a complaint in this matter.

No action has been taken by Plaintiff since he filed his Motion for Appointment of Counsel on June 22, 2015. Local Rule 41-1 provides that an action may be dismissed for want of prosecution, if pending for more than 270 days without any proceeding of record having been taken. It has been almost 2 years since Plaintiff engaged in litigating this matter. Accordingly,

IT IS HEREBY RECOMMENDED that this action be **dismissed** pursuant to Local Rule 41-1 for failure to prosecute.

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order

1 and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153,
2 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

3 DATED this 29th day of March, 2017.

4
5 
6 GEORGE FOLEY, JR.
7 United States Magistrate Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28